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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,061	03/02/2004	Scott D'Avanzo	5611.00017	4209

29747 7590 03/15/2007
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EXAMINER

THOMAS, ERIC M

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/792,061	Applicant(s) D'AVANZO, SCOTT	
	Examiner Eric M. Thomas	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is in response to the amendments filed on 9/13/06, claims 1 – 3, 5, 6, and 26 – 29 have been amended, claims 7 – 25 and 31 – 44 have been cancelled, 1 – 6 and 26 – 30 are now pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 6 and 26 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (US 6,609,972).

Regarding claims 1 and 26 Seelig teaches a gaming machine (and method having steps thereto) which consists of a mechanical component (i.e., the combination of indicator 44 attaching to worm gear 52, Fig. 2, col. 4, lines 5 - 12), wherein the mechanical component having a dynamic member (indicator 44) for facilitating the indication of a display device (e.g., 46, 48), and wherein upon activation of the mechanical component of the said dynamic member (indicator 44) causes the display device to be identified (e.g., pointing to or identifying the displays 46 and 48), said display device (46, 48) displaying a randomly generated gaming machine symbol related to a gaming machine award (Fig. 1, col. 3, lines 55 – col. 4, line 18). Note that, the final prize result of Seelig is concealed prior to the activation of the mechanical component and being revealed after the activation of the mechanical component (col. 4,

Art Unit: 3714

lines 19, col. 5 line 8). Seelig does not explicitly teach the mechanical component concealing the display device, and the dynamic member causing the display device to be revealed upon the activation of the mechanical component. This feature, however, is an obvious design choice since mechanically concealing the display (having a symbol related to an award) (as claimed by the applicant) compared to displaying a concealed symbol (related to an award) electrically or graphically (as taught by Seelig et al.) would bring similar results to the operation of the game, i.e., both Seelig et al.'s and applicant's approaches are to conceal and reveal the symbol related to the award in respond to the bonus game activation. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Seelig by providing an alternative method of mechanically concealing and revealing the symbol related to a gaming machine award to enhance the reality of the game, thus attract more players and increase game revenue.

Regarding claims 2, 3, 27, and 28, Seelig teaches the mechanical component (i.e., the combination of indicator 44 attaching to worm gear 52, Fig. 2, col. 4, lines 5 - 12) comprises one or more hands (e.g., hands of the alien pilot) extending from the said gaming machine and dynamic member comprises one or more arms joined to the said hands (col. 4, lines 1 - 4).

Regarding claims 4 and 29, Seelig teaches a player is awarded the opportunity to select one or more of the hands to reveal the symbol related to a gaming machine award, which means the player is given the opportunity to select either the left bonus prize or the right bonus prize (col. 4, lines 19 - 31).

Art Unit: 3714

Regarding claims 5 and 30, wherein upon selection of one or more of the arms, the corresponding hand opens to reveal the display device, this limitation is obvious in view of Seelig's teaching of the bonus display (12) displaying the bonus prize won by the player upon selection of the right or left bonus prize (col. 4, lines 32 - 35). Further, regarding the hand opens to reveal the display device, this feature is regarded as obvious design choice as set forth above regarding claims 1 and 16 because using the hand to conceal the display (having a symbol related to an award) (as claimed by the applicant) compared to pointing to the display having a graphically concealed symbol (related to an award) (as taught by Seelig) would bring similar results to the operation of the game, meaning both Seelig and applicant's approaches are to conceal and reveal the symbol related to the award in respond to the bonus game activation. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the prize display the mechanical indicator of Seelig by mechanically concealing and revealing the symbol related to a gaming machine award to enhance the reality of the bonus indicator, thus make the game more interesting to the players and increase game plays.

Regarding claim 6, wherein the one or more hands support a watch having a display, this is a design choice since placing a watch on one or more hands as claimed does not bring unexpected results to the outcome of game. Note that, the watch as claimed is considered as a decorative device since it does not bear any function of the game.

Response to Arguments

Applicant's arguments filed 9/13/06 have been fully considered but they are not persuasive. Applicant alleges that Seelig "fails to teach or suggest a method of mechanically concealing and revealing the bonus symbol as claimed in the present invention." The examiner respectfully disagrees. However, as discussed above, Seelig provides a gaming device having a gaming apparatus and a bonus display in which the display is an indicator that is linearly movable by a drive mechanism. The advantage of Seelig's gaming machine is that the award bonus is graphically concealed which provides an attractive and entertaining device for the participants. This approach is similar to that of the claimed invention in being that they both have the same objective, which is to conceal and reveal the prize awarded to the user of the gaming machine by using a mechanical indicator. Thus, the examiner maintains Seelig renders the claimed invention obvious.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3714

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Ronald Aneser
Primary Examiner
3/14/07